



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **MINAMIDA, Yukihiko, et al.**

Group Art Unit: 1711

Serial No.: **10/668,964**

Examiner: **Rabon A. Sargent**

Filed: **September 24, 2003**

P.T.O. Confirmation No.: **1481**

For: **SOLVENT-FREE MOISTURE-CURABLE HOT MELT URETHANE
RESIN COMPOSITION**

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

AND SUBMISSION UNDER MPEP 1205.03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2007

Sir:

In response to the Notification of Non-compliant Appeal Brief dated November 8, 2006, the following remarks and attachment are respectfully submitted. This Response is filed concurrently with a Petition for a **three-month** Extension of Time, extending the period for Response from December 8, 2006, to March 8, 2006. Please note that a Petition under 37 CFR 1.182 was also filed on March 1, 2007, requesting that the period for response to the Notification be restarted and that the extension-of-time fee for response be waived.

Remarks/Arguments begin on page 2 of this paper.

An **Appendix** including replacement Summary of Claimed Subject Matters is attached following page 3 of this paper.

REMARKS

The Notification of Non-Compliant Appeal Brief indicated that the Summary of Claimed Subject Matter was defective because reference was made to unclaimed characteristics, such as cohesive power and utility as an adhesive or coating. The Notification also states that Appellant has cited page and paragraph number instead of page and line number.

MPEP 1205.03 states that when the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter, only a paper providing a summary of the claimed subject matter should be provided in response. Appellant therefore here attaches a replacement section "V. Summary of the Claimed Subject Matter," replacing page 7 of the original Appeal Brief.

In the replacement Summary, the last two sentences of the first paragraph are deleted. These apparently are what the Examiner considered to be "reference to unclaimed characteristics." The Appellant has also corrected the reference to paragraph numbers to line numbers on the cited pages.

In the event that this paper is not timely filed, Appellant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Daniel A. Geselowitz, Ph.D.
Agent for Applicants
Reg. No. 42,573

DAG/lrj
Atty. Docket No. **031206**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850
PATENT TRADEMARK OFFICE

Attachment: Replacement "V. Summary of the Claimed Subject Matter" of the Appeal Brief

H:\FLOATERS\dgeselowitz\03\031206\031206 Response to Non-Compliant AppealBrief f.3-7-07



U.S. Patent Application Serial No. 10/668,964

REPLACEMENT SUMMARY OF THE CLAIMED SUBJECT MATTER

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites a moisture-curable hot melt urethane resin composition. "Hot melt" is a generic term referring to the property of being solid or viscous at normal temperature, but being melted to form a fluid or liquid when heated, as described on page 7, lines 17-22, of the specification.

The composition of claim 1 comprises three components, labeled (A), (B) and (C) (see page 6, lines 14-18).

Component (A) is an isocyanate group-containing hot melt urethane prepolymer. This is prepared by reacting a polyisocyanate with a polyester polyol (see page 9, lines 4-8 and 16-19), where the polyester polyol comprises a condensate of a polyhydric alcohol and a polybasic acid (page 9, line 20, to page 10, line 1), and the polybasic acid is a phthalic acid, an isophthalic acid, a terephthalic acid, or a mixture of these (page 10, lines 4-6).

Component (B) is a crosslinking catalyst of general formula (X) in claim 1. This is a morpholine ether-based compound (see page 12, lines 11-20).

Component (C) is at least one sulfur atom-containing organic acid selected from the group consisting of sulfonic acids and sulfinic acids (see page 13, lines 20-22).